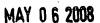
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/168,072	10/08/1998	NICK MARCHESANI	2413-101A	2085		
24633	7590 02/08/2008 A DTS(AN FED		EXAMINER			
IP GROUP, C	ARTSON LLP OLUMBIA SQUARE		PIERCE, WILLIAM M			
555 THIRTEE WASHINGTO	NTH STREET, N.W.		ART UNIT	PAPER NUMBER		
w ASHEROTC			3711			
		•	NOTIFICATION DATE	DELIVERY MODE		
	Rechance	5/8/0X	02/08/2008	ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

deptopatent@hhlaw.com

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HOGAN & HARTSON

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Hogan & Hartson UP Columbia Square 555 Thirteenth Street, NW Washington, DC 20004 +1.202.637.5600 Tel +1,202,637,5910 Fax

February 28, 2008

BY FIRST CLASS MAIL

Mr. Nicholas P. Marchesani 204 Sheridan Place Brigantine, New Jersey 08203-2928

Mrs. Joanne Marchesani 190 Candelero Dr. Apt. 234 Hurnacao, Puerto Rico 00791-6141

Re: U.S. Patent Application No. 09/168,072

Title: LOW/MAX CARD GAME METHOD

AND APPARATUS Inventor: Nick MARCHESANI Our Reference No.: 82022-0101

Dear Nick and Joanne:

Enclosed for your files is a copy of an Office Action (non-final) dated February 8, 2008, with references cited by the Examiner, received from the U.S. Patent and Trademark Office.

The Examiner has withdrawn the earlier rejection but unfortunately, has continued to reject the application in view of the Breeding and Marquez references (enclosed). We can study these if you like and suggest a proposed response.

A response is due May 8, 2008, which may be extended until August 8, 2008, with payment of the appropriate extension fees. The estimated costs for us reviewing the references and drafting a response will be in the order of \$5,000.

Please let us know if you have any comments or instructions for responding to the Office Action.

We wish to remind you of Applicants' continued duty to disclose all information which is material to the patentability of the claims. If you are aware of relevant prior art which should be considered by the Examiner, please let us know immediately.

Celine Jimenez Crowson Partner +1.202.637.5703 cicrowson@hhlaw.com

Application/Control Number: 09/168,072

Art Unit: 3711

Page 2 MAY O 6 2008

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DETAILED ACTION

Applicant's affidavit filed 11/21/07 states his date of invention as early as 5/6/98 and provides evidence in exhibit A. The examiner questions the authenticity of this document since its body is type written and the first and last pages containing the dates are hand written and appear to have been appended to the document. However, exhibit C dated 8/5/1998 showing an attorney communication regarding their "Refernce: 2413-101" does no appear to be in question. This date is considered to establish an earlier effective date than 8/25/98 to Srichayaporn and the grounds for rejection has been removed.

Claim Rejections - 35 USC § 103

Claim 28, 31, 32, 33, 34, 37, 38, 39, 40, 41, 43-47, 57, 59-361 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breeding 5,248,142 in view of Marquez 5,294,128.

As to claims 28, 33 and 57 Breeding shows a standard deck of cards (col. 4, In. 33), dealing seven cards (as claimed from 3 to 7), each player making a single wager and placing a single wager prior to viewing cards (col. 5, In. 13). In Breeding, he splits his cards into a two card and a five card hand and each hand must out rank the spit hands of the dealers. With respect to the number of cards in each hand to "not exceed the total number...by more than one, Marquez teaches in splitting six dealt cards into a one card high hand, two card high hand and three card low hand. He teaches that the number of cards and divided hands is "preferable" (col. 2, In. 65). Here Marquez teaches that the number of cards and divided hands in a game like that of Breeding is

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Notice of References Cited					Application/Control No. 09/168,072		Reexamination	Applicant(s)/Patent Under Reexamination MARCHESANI, NICK	
					Examiner		Art Unit	Page 1 of 1 .	
					William M. Pier		3711		
			Data	U.S. P	ATENT DOCUMEN			Classification	
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